

NEXUS BANKRUPTCY
BENJAMIN HESTON (297798)
3090 Bristol Street #400
Costa Mesa, CA 92626
Tel: 949.312.1377
Fax: 949.288.2054
ben@nexusbk.com

Attorney for Debtor

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA – RIVERSIDE DIVISION

In re:

PATRICIA ANN DOUBLET,

Debtor.

Case No: 6:23-bk-14082-WJ

Chapter 13

**SUPPLEMENTAL DECLARATION
OF BENJAMIN HESTON IN
SUPPORT OF CONFIRMATION OF
CHAPTER 13 PLAN**

Confirmation Hearing:

Date: June 10, 2024

Time: 11:00 AM

**Location: 3420 Twelfth Street
Riverside, CA 92501**

I, Benjamin Heston, declare as follows:

1. I have personal knowledge of all matters stated herein. On all matters stated on information and belief, I believe those allegations to be true. I could competently testify to the allegations contained herein.
2. Throughout the past several years that these cases have been pending, I have spoken many times to various people at Shellpoint Mortgage. These calls were made for getting accurate figures to include in the schedules and plan, facilitating loss mitigation options, checking on the foreclosure status, and checking on the loan status in between cases. I was told several times that Shellpoint would not

1 accept payments while the loan was in pre-foreclosure status, presumably this
2 was due to the loan being accelerated. This is very common, if not universal.
3 Based on my cursory research of this issue, some lenders take the position that
4 accepting payments after invoking the acceleration clause could constitute a
5 waiver of the acceleration clause and, therefore, “decelerate” the loan, or could be
6 treated as acceptance of reinstatement under California Civil Code §2924c. See
7 CME Group Ltd. v. Cellini, 173 Misc.2d 404, 661 N.Y.S.2d 740 (1997); Lavin v.
8 Elmakiss, 302 A.D.2d 638, 754, N.Y.S.2d 741 (3d Dept. 2003).

- 9 3. I declare under penalty of perjury under the laws of the United States that the
10 foregoing is true and correct.

11 Date: May 29, 2024

12 /s/Benjamin Heston
13 Benjamin Heston
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PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**3090 Bristol Street #400
Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled (*specify*): **SUPPLEMENTAL DECLARATION OF BENJAMIN HESTON IN SUPPORT OF CONFIRMATION OF CHAPTER 13 PLAN** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) 5/29/2024, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

Rod Danielson (TR) notice-efile@rodan13.com

Jason T Seals jason.seals@padgettlawgroup.com, bkecf@padgettlawgroup.com;jason.seals@ecf.courtdrive.com

United States Trustee (RS) ustpreion16.rs.ecf@usdoj.gov

☐ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) 5/29/2024 I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Judge Wayne E. Johnson
3420 Twelfth Street
Suite 384 / Courtroom 304
Riverside, CA 92501-3819

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL

Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) _____, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed (state method for each person or entity served):

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/29/2024
Date

Benjamin Heston
Printed Name

/s/Benjamin Heston
Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.